PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS
SECRETARIAT

NOTIFICATION

No. LAW 41 LCA 78, dated 25th July, 1978

Ordered that the Delhi Police Ordinance, 1978 (No. 2 of 1978) published in Part II Section 1 of the Gazettee of India Extraordinary dated 1st July, 1978 be republished in the Karnataka Gazettee for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parliamentary Affairs.

THE DELHI POLICE ORDINANCE, 1978

No. 2 OF 1978

Promulgated by the President in the Twenty-ninth Year of the Republic of India

An Ordinance to amend and consolidate the law relating to the regulation of the police in the Union territory of Delhi.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Ordinance may be called in Delhi Police Ordinance, 1978.

(2) It extends to the whole of the Union territory of Delhi.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of Delhi appointed under article 239 of the Constitution;

(b) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(c) "competent authority", when used with reference to the exercise of any power or discharge of any duty under the provisions of this Ordinance, means the Commissioner of Police appointed under section 6 or any other police officer specially empowered in that behal by the Central Government;

(d) "constable" means a police officer of the lowest grade;

(e) "Corporation" means the Municipal Corporation of Delhi constituted under the Delhi Municipal Corporation Act, 1957 **(66 of 1957)** ;

(f) "Delhi" means the Union territory of Delhi;

(g) "Delhi police" or "police force" means the police force referred to in section 3 and includes,—

(i) all persons appointed as a special police officers under sub-section (1) of section 17 and additional police officers appointed under section 18; and

(ii) all other persons, by whatever name known, who exercise any police function in any part of Delhi;

(h) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in, or managing, such place and includes,—

(i) a refreshment room, boarding house or coffee house, or

(ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not in lude a place of public entertainment;

(i) "municipality" means the New Delhi Municipal Committee, the Cantonment Board or any other municipal body, other than the Corporation, established by or under any law for the time being in force in or in any part of Delhi;

(j) "place" includes,—

(i) any building, tent, booth or other erection, whether permanent or temporary; and

(ii) any area, whether enclosed or open;

(k) "place of public amvsement" means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to

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(ii) any area, whether enclosed or open;

(k) "place of public amusement" means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to

which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard and bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(l) "place of public entertainment" means a lodging house, boarding and lodging house or residential hostel and includes any eating house or other place in which any kind of liquor or intoxicating drug is supplied (such as a tavern or a shop where beer spirit, arrack, toddy, ganja, bhang or opium is supplied) to the public for consumption in or near such place;

(m) "police officer" means any member of the Delhi police;

(n) "prescribed" means prescribed by rules;

(o) "public place" means any place to which the public have access, whether as of right or not, and includes,—

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(p) "regulations" means regulations made under this Ordinance;

(q) "rules" means rules made under this Ordinance;

(r) "street" includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare;

(s) "subordinate ranks" means members of the police force of and below the rank of the Inspector;

(t) "vehicle" means any carriage, cart, van, dray, truck, handcart or other conveyance of any description and includes a bicycle, tricycle, a rickshaw, a motor vehicle, a vessel or an aeroplane.

CHAPTER II

ORGANISATION, SUPERINTENDANCE AND CONTROL OF THE POLICE FORCE

3. One police force for the whole of Delhi.—There shall be one police force for the whole of Delhi and all officers and subordinate ranks of the police force shall be liable for posting to any branch of the force including the Delhi Armed Police.

4. Superintendence of police force to vest in the Administrator.—The superintendence of the Delhi police throughout Delhi shall vest in, and be exercisable by the Administrator and any control, direction or supervision exercisable by any officer over any

member of the police force shall be exercisable subject to such superintendence.

5. **Constitution of police force.**—Subject to the provisionsof this Ordinance,—

(a) the Delhi police shall consist of such number in the several ranks and have such organisation and such powers, functions and duties as the Administrator may, by general or special order, determine; and

(b) the recruitment to, and the pay, allowances and all other conditions of service of the members of, the Delhi police shall be such as may be prescribed:

Provided that nothing in clause (b) shall apply to the recruitment to, and the pay, allowances and other conditions of service of the members of the Indian Police Service or the Delhi, Andaman and Nicobar Islands Police Service.

6. **Commissioner of Police.**—For the direction and supervision of the police force in Delhi, the Administrator shall appoint a Commissioner of Police who shall exercise and perform such powers and duties and perform such functions as are specified by or under this Ordinance.

7. **Additional Commissioner of Police.**—(1) The Administrator may appoint one or more Additional Commissioners of Police for the purposes of this Ordinance.

(2) The Additional Commissioner of Police shall,—

(a) assist the Commissioner of Police in the exercise of his powers and the performance of his duties in such manner and to such extent, and

(b) exercise such powers and perform such duties of the Commissioner of Police and within such local limits, as the Administrator may, by general or special order, specify.

8. **Deputy Additional Deputy and Assistant Commissioners of Police.**—(1) The Administrator may appoint one or more Deputy Commissioners of Police or Additional Deputy Commissioner of Police or Assistant Commissioners of Police for the purposes of this Ordinance.

(2) Without prejudice to the other provisions of this Ordinance and subject to any general or special order made by the Administrator in this behalf, every Deputy Commissioner of Police or Additional Deputy Commissioner of Police, Assistant Commissioner of Police shall, under the orders of the Commissioner of Police, exercise such of the powers (except the power to make regulations) and perform such of the duties of the Commissioner of Police and within such local limits as may be specified in such orders.

9. **Appointment of Principals of Police Training Institutions.**—(1) (a) The Administrator shall appoint a police officer not below the rank of a Deputy Commissioner of Police to be the Principal of the Police Training School for Delhi.

(b) The Commissioner of Police may by general or special order assign to the Principal of the Police Training School such powers and duties as he may deem fit for the proper functioning of that school.

(2) (a) The Administrator may establish a Police Training College for Delhi and appoint a police officer of appropriate rank to be the Principal of such College.

(b) The Commissioner of Police may by general or special order assign to the Principal of the Police Training College such powers and duties as he may deem fit for the proper administration of that College

10. **Constitution of police districts, sub-divisions and police stations.**—Subject to the control of the Administrator, the Commissioner of Police shall—

(a) constitute police districts within Delhi;

(b) divide such police districts into police sub-divisions and specify the police stations comprised in each such sub-division; and

(c) define the limits and extent of such police districts, police sub-divisions and police stations.

11. **Officers in charge of police sub-divisions and police station.**—(1) Each police district shall be under the charge of a Deputy Commissioner of Police who may be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police.

(2) Each police sub-division shall be under the charge of an Assistant Commissioner of Police and each police station shall be under the charge of an Inspector of Police.

12. **Appointment of subordinate ranks.**—Subject to such general or special orders in writing as the Administrator may make in this behalf,—

(a) Inspectors of Police may be appointed by the Additional Commissioner of Police; and

(b) Sub-Inspectors of Police and other officers of subordinate rank may be appointed by the Deputy Commissioners of Police, Additional Deputy Commissioners of Police, Principal of the Police Training College or of the Police Training School, or any other police officer of equivalent rank.

13. **Certificate of appointment.**—(1) Every police officer of the rank of Inspector and below shall on enrolment receive a certificate of appointment.

(2) A certificate shall be issued under the seal of such officer, and shall be in such form, as the Administrator may, by general or special order, specify.

(3) A certificate of appointment shall become null and void when the person named therein ceases to belong to the Delhi police or shall remain inoperative during the period such person is suspended from the Delhi police.

14. **Effect of suspension of police officer.**—The powers, functions and privileges vested in a police officer shall remain suspended while such police officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a police officer and shall continue to be subject to the control of the same authorities to which he would have been subject if he had not been under suspension.

15. **General powers of Commissioner of Police.**—The Commissioner of Police shall direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the police force under him.

16. **Power of Commissioner of Police to investigate and regulate matters of police accounts.**—The Commissioner of Police shall have the authority to investigate end regulate all matters of account connected with the Delhi police and all persons concerned shall be bound to give him reasonable aid and facilities in conductiong such investigations and to conform to his orders consequent thereto.

17. **Special police officers.**—(1) The Commissioner of Police may, at any time, by a written order, signed by himself and sealed with his own seal, appointany able bodied male person not less than eighteen years of age, whom he considers fit, to be a special police officer to assist the Delhi police on any occassion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the place in any area and he is of opinion that the ordinary police force is not sufficient for the protection of persons residing, and for the security of property within such area.

(2) The Commissioner of Police shall publish the names of special police officers appointed under this section in such manner as may be prescribed.

(3) Any person objecting to the appointment of any person as such special police officer may send his reasons for sueh objection to the Commissioner of Police within fifteen days of such appointmnent and the Commissioner may accept such objection and cancel the appointment of such officer or, after giving to the objector an opportunity to be heard, reject the objection.

(4) Every special police officer appointed under this section shall, on appointment,—

(a) receive a certificate of appointment in such form as may by specified bp the Administrator in this bohalf.

(b) have the same powers, privileges and immunities and perform the same duties and the subject to the same authorities as an ordinary police officer.

18. **Additional police officers.**—Where additional police officers are required to be deputed under section 38, section 39 or section 40 the Commissioner of Police may appoint such number of additional police officers as he considers necessary and every such additional polic officer shall, on appointment,—

(a) receive a certificate of appointment in such form as may be specified by the Administrator in this behalf

(b) have such of the powers privileges and immunities and preform such of the duties of a police officer as are specifically mentioned in the certificate; and

(c) be subject to the same authorities as an ordinary police officer of the same or similar rank or grade.

CHAPTER III

REGULATION, CONTROL AND DISCIPLINE OF THE DELHI POLICE

19. **Framing of regulations for administration of the Police.**—Subject to the orders of the Administrator, the Commissioner of Police may make regulations or orders not inconsistent with this Ordinance or any other law for the time being in force,—

(a) regulating the inspection of the police force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(c) prescribing the places of residence of members of the police force;

(d) for institution, management and regulation of any police fund for any purpose connected with police administration;

(e) regulating the distribution, movements and location of the police;

(f) assigning duties to police officers of all ranks and grades and prescribing the manner in which, and the conditions subject to which they shall exercise and perform their respective powers and duties,

(g) regulating the collection and communication by the police of intelligence and information;

(h) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

20. **Commissioner of Police may call for returns**:—The Commissioner of Police may call for such returns, reports and statements on any subject connected with the prevention and detection of crime, the maintenance of order and the performance of the duties of his subordinates as such subordinates may be able to furnish to him.

21. **Powers of punishment**:— (1) Subject to the provisions of article 311 of the Constitution and the rules, the Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School or any other officer of equivalent rank, may award to any police officer of subordinate rank any of the following punishments, namely:—

(a) dismissal;

(b) removal from service;

(c) reduction in rank;

(d) forfeiture of approved service;

(e) reduction in pay;

(f) withholding of increment; and

(g) fine not exceeding one month's pay.

(2) Subject to the rules,—

(a) any police officer specified in sub-section (1) may award the punishment of censure to any police officer of subordinate rank;

(b) the Assistant Commissioner of Police may award the punishment of censure to police officers of, or below, the rank of Sub-Inspectors of Police;

(c) any police officer of, and above, the rank of Inspector may award punishment drill not exceeding fifteen days of fatigue duty or any other punitive duty to constables.

(3) Nothing in sub-section (1) or sub-section (2) shall affect any police officer's liability for prosecution and punishment for any offence committed by him.

(4) The Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School, Assistant Commissioner of Police, or any other police officer of equivalent rank may suspend any police officer of

subordinate rank who is reasonably suspected to be guilty of misconduct, pending an investigation or enquiry into such misconduct.

(5) An Inspector of Police may suspend any police officer below the rank of Sub-Inspector of Police, who is reasonably suspected to be guilty of misconduct, pending an investigation or enquiry into such misconduct.

22. **Procedure for awarding punishments:-** When any officer passes an order of awarding a punishment of dismissal, removal from service, reduction in rank, forfeiture of service, reduction in pay, withholding of increments or fine, he shall record such order or cause the same to be recorded together with the reasons therefor, in accordance with the rules:

Provided that no order for reducing, removing from service or dismissing a police officer shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him, except in cases referred to in clause (a) of the proviso to clause (2) of article 311 of the Constitution.

23. **Appeal from orders of punishment:**—An appeal against any order of punishment passed against a police officer, under section 21 or the rules thereunder, by the Additional Commissioner of Police shall lie to the Commissioner of Police and an appeal against an order passed by any Deputy Commissioner of Police, Principal of the Police Training College or School, or any other officer of equivalent rank shall lie to the Additional Commissioner.

24. **Police officers to be deemed to be always on duty and to be liable to employment in any part of Delhi.**—Every police officer not on leave or under suspension shall for all purposes of this Ordinance be deemed to be always on duty and any police officer or any number or body of police officers allocated for duty in any part of Delhi may, if the Commissioner of Police so directs, at any time, be employed on police duty in any other part of Delhi for so long as the services of the police officer or number or body of police officers may be required in such other part of Delhi.

25. **Circumstances under which pojice officer of subordinate rank may resign.**—(1) Resignation of any police officer of subordinate rank may be accepted only by the officer empowered to appoint (the officer so empowered to appoint being hereafter in this section referred to as the appointing authority) officers so such subordinate rank.

(2) A police officer of subordinate rank who intends to resign from police service shall give to the appointing authority notice in writing to that effect and shall not be permitted to withdraw himself from duty unless he has been granted permission to resign by such authority and two months have elapsed from the date on which he tendered his resignation:

Provided that the appointing authority may at his discretion, permit a Head Constable or a constable to withdraw himself from duty on his crediting to the Government two months' pay in lieu of notice.

(3) A Head Constable or a constable who has agreed to serve for any specific period may not be permitted to resign before the expiry of that period.

(4) Inspectors, Sub-Inspectors or Assistant Sub-Inspectors of Police, whose appointments involve training at any Police Training College or
Police training School may not be permitted to resign within three years from the date of their successfully completing the training.

(5) No police officer of subordinate rank whose resignation has been accepted by the appointing authority shall be permitted to withdraw from duty until he has fully discharged all debts, due from him as such police officer to Government or to any police fund and has surrendered his certificate of appointment, arms accoutrements, uniform and all other Government property in his possession and has also rendered a complete account of all Government money and property for which he is responsible.

(6) Notwithstanding anything contained in this section if any police officer of subordinate rank tenders his resignation on medical grounds and produces a certificate signed by the police surgeon or any other medical officer authorised by the Administrator in this behalf declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the appointing authority shall forthwith permit to withdraw from duty on his discharging, or giving a satisfactory security for the payment of any debt due from him as such police officer to Government or to any police fund :

Provided that he shall forthwith return the certificate of appointmem, arms, accoutrements, uniform and all other Government property in his possession befor he is permitted to withdraw from duty.

(7) If any such police officer of subordinate rank resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the orders of the appointing authority to forfeit all arrears of pay then due to him in addition to the penalty to which he may be liable under sub-section (2) or any other law for the time being in force.

(8) Every such police officer on leaving the service in the Delhi police as aforesaid shall be given by the appointing authority a Discharge Certificate in such form as may be prescribed.

26. **Certificate, arms, etc., to be delivered by person ceasing to be a police officer.**—(1) Every person who for any reason ceases to be police officer shall forthwith deliver to the officer empowered by the Commissioner of Police, the Additional Commissioner of Police,

Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School, Additional Deputy Commissioner of Police or any other officer of equivalent rank to whom such officer is subordinate, to receive the same, his certifiate of appointment and the arms, accoutrements, clothing and other accessories which have been provided to him for the performance of duties and functions connected with his office.

(2) (a) Any Metropolitan Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner of Police, Additional Commissioner of Police, Principal of the Police Training College or of the Police Training School or a Deputy Commissioner, Additional Deputy Commissioner or an Assistant Commissioner of Police may issue a warrant to search for and seize wherever they be found, any certificate, arms, accoutrements, clothing or other accessories not delivered under sub-section (1).

(b) Every warrant so issued shall be executed by a police officer or, if the Metropolitan Magistrate or the police officer issuing the warrant so directs, by any other person in the same manner as if it were a warrant for a search issued under the Code of Criminal Procedure, 1973. **(2 of 1974).**

(3) Nothing in this section shall apply in relation to any article which under the orders of the Commissioner of Police has become the property of the person to whom the same was provided.

27. **Occupation of, and liability to vacate, premises provided for police officers.**—(1) A police officer occupying any premises provided by the Commissioner of Police for his residence shall.—

(a) occupy the same subject to such terms and conditions as may by general or special order, be specified by the Commissioner of Police; and

(b) notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a police officer or whenever the Commissioner of Police or any officer authorised by the Administrator in this behalf considers it, for reasons to be recorded in writing, necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the Administrator or the officer authorised in this behalf by the Administrator may order such person to vacate the premises and may direct any police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

CHAPTER IV

POLICE REGULATIONS

21. **Regulation of traffic and for preservation of order in public places, etc.**—(1) The Commissioner of Police may, by notification in the Offical Gazette make regulations to provide for all or any of the following matters, namely.—

(a) licensing and controlling persons offering themselves for employment, outside railway stations and other places where passengers arrive, for the carriage of passengers' baggages and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(b) regulating traffic of all kinds in streets and other public places, and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;

(d) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;

(e) licensing, controlling or prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisement, which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as may be specified in the regulations, having regard to the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction, or causing obstruction, to such traffic;

(f) specifying certain hours of the day during which cattle shall not be driven, or as the case may be, driven only in accordance with such regulations, along the streets, or along certain specfied streets ;

(g) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(h) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(i) licensing, controlling or, in order to prevent obstruction, in convenience, annoyance. risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(j) prohibiting, except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased ;

(k) specifying certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations;

(l) setting apart places for slaughtering animals the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature ;

(m) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premisss by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Administrator, with a view to prevent the disease or check the spread thereof;

(n) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water and providing against pollution of the same or of the water therein;

(o) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or other public places;

(p) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which the order in which, and the times at which, the same may pass;

(q) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ;

(r) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place ;

(s) licensing, controlling or, in order to tn prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting,—

(i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than ser-

vants of Government or Corporation or other Municipal officers duly authorised in that behalf,

(ii) the blasting of rock or making excavation in or near streets or public places,

(iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;

(t) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(u) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(v) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire work or sending up a fire baloon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;

(w) regulating the hours during which and the manner in which any place for the disposal of the dead, any *dharmashala*, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(x) (i) licensing or controlling places of public amusement or public entertainment;

(ii) prohibiting the keeping of places of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity; and

(iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and prevention of disturbance thereat ;

(y) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas ;

(ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of

artists and the conduct of the artists and the audience at such performances ;

(iii) prior scrutiny of such performances and of the scripts in respect thereof, if any, and granting of suitability certificate therefor subject to conditions, if any, by a Board appointed by the Administrator for the purpose, either for the whole of Delhi or for the area concerned or by an Advisory Committee constituted by the Commissioner of Police (the members of the Board or the Advisory Committee being persons who in the opinion of the Administrator or, as the case may be, the Commissioner, possess knowledge of, or experience in, literature. the theatre and other matters relevant to such scrutiny), provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees (whether in the form of court-fee stamps or otherwise) to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals ;

(iv) regulating the hours during which and the places at which such performances may be given ;

(z) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(za) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Ordinance for keeping the eating house, and annual renewal of such registration within a specified period ,

(zb) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Ordinance should be applied for and fixing the fees to be charged for any such licence or permission ;

Provided that nothing in this section and no licence or certificate of registration granted under any regulation made thereunder shall authorise any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit. pass or authorisation is required under any law relating to prohibition which is for the time being in force.

(2) The power to make regulations under clause (b) of sub-section (1) shall be subject to the control of the Administrator and the power to make regulations under the other clauses of that sub-section shall be subject to the previous sanction of the Administrator.

(3) The power of making regulations under this section shall be subject to the condition of the regulations being made, after previous

publication and for the purposes of section 23 of the General Clauses Act, 1897 (10 of 1897) such regulations shall be deemed to be rules; and every regulation made under this section, shall also be published in the locality affected thereby by affixing copies thereof in conspicuous places near to the building structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in Hindi, Urdu and English, or in two or more of these languages, as the Commissioner of Police may deem fit, or by any two or more of these means, or by any other means he may think suitable ;

Provided that any such regulation may be made without previous publication if the Commissioner of Police is satisfied that circumstances exist which render it necessary that such regulation should be brought into force at once.

(4) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye-law of the Corporation or of any other municipal or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bey-law..

29. **Power to give directions to the Public.**—The Commissione of Police and subject to the orders, if any, made by the Commissione of Police, every police officer not inferior in rank to an Inspector may from time to time as occasion may arise, but not so as to contravene any regulation made under section 28 or any law, rule, or bye-law referred to in sub-section (4) of that section, give all such orders either orally or in writing as may be necessary to –

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along streets ;

(b) specify the routes by which and the time at which any such processions may pass or shall not pass ;

(c) prevent obstructions –

(i) on the occasion of all processions and assemblies; and

(ii) in the neighbourhood of all places of worship during the time of worship; and

(iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(d) keep order on, and in, all streets, and at, and within, public bathing and washing places fairs, temples mosques, gurdwaras; churches and all other places of public resort or public worship;

(e) regulate and control the playing of music, singing or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments in, and near, any street or public place;

(f) regulate and control the use of loudspeakers in residential areas, streets, near any public places and places of public amusement or public entertainment;

(g) make reasonable orders consequential to, and in furtherance of any order made under this section.

30. **Power to prohibit certain acts for prevention of disorder:**— (1) The Commissioner of Police may, whenever and for such time as he shall consider necessary for the preservtion of public peace or public safety, by notification publicly promulgated or addressed to individuals, prohibit in relation to the whole of Delhi or any part thereof.—

(a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence;

(b) the carrying of any corrosive substance or explosives;

(c) the carrying, collection or preparation of stones or other missiles or instruments or means of casting or impelling missiles;

(d) the exhibition of persons or corpses;

(e) the public utterance of cries, singing of songs or playing of music; or

(f) the delivery of harangues, the use of the gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other subject or thing which may, in the opinion of the Commissioner of Police, offend against decency or morality or undermine the security of the State.

(2) If any persons goes armed with any such article as is referrep to in clause (a) of sub-section (1) or carries any corrosive substance or explosive or missile or instrument in contravention of any prohibition under that sub-section, the article, corrosive substance or explosive or missile shall be liable to be seized from him by any police officer.

(3) The Commisioner of Police may, by notification publicly promulgated, prohibit any assembly or procession whenever and for such time as he considers such prohibition to be necessary for the preservation of the public order.

(4) No notification promulgated under sub-section (3) shall remain in force for more than fifteen days from the promulgtion thereof :

Provided that if the Administrator considers it necessary so to do for the preservation of the public order, he may, by order published in the Official Gazette, direct that such notification shall remain in force for such further period not exceeding six months from the date on which it would have, but for such order, expired as he may specify in the said order.

31. **Police to provide against disorder, etc., at places of public amusement or public assembly or meeting.**—. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-Inspector and above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting as he think necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every police officer shall have free access to every place of public amusement, or assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Power to prohibit, etc., continuance of music, sound or noise.—32. (1) If the Commissioner of Police is satisfied from the report of an officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury, to the public or to any person who dwells, or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling orregnlating—

(a) the incidence or continuance in any street, open space or any other premises of—

(i) any vocal or instrumental music;

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound; or

(iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volume as may cause disturbance to others, or

(b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise :

Provided that no directions shall be issued to any person under clause (b) without giving to such person an opportunity of being heard in the matter.

(2) The Commissioner of Police may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the Commissioner of Police shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

33. **Issue of order for prevention of riot, etc.**—(1) In order to prevent or suppress any riot or grave disturbance of peace, the Comissioner of Poli)e may temporarily close or take possession of any building or other place and may exclude all or any persons there from, or may allow access thereto such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner of Poli)e may make and notify in exercise of his powers under this section.

(2) If the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on an application made therefor to the competent authority within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such competent authority rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute in relation to the amount of compensation payable under sub-section (2) or the person to whom such amount shall be payable, the matter shall be referred by the competent authority to the District Collector whose decision thereon shall be final.

34. **Maintenance of orders at religious or ceremonial display, etc.**—(1) In any case of an actual or intended religious or ceremonial or orporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of, or participation in, whith, it shall appear to the competent authority that a dispute or contention exists, which is likely to lead to grave disturbance of the peace, the competent authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested and all persons concerned shall obey such orders.

(2) Every such order shall be published in the locality or place wherein it is to operate.

(3) Every order under sub-section (1) shall be subject to any judgement, decree, injunction or order made by a court having jurisdiction, and shall be rescinded or altered on its being made to appear to the competent authority that such order is inconsistent with a judgement, decree, injunction or order of such court.

35. **Commissioner of Police may take special measures to prevent outbreak of epidemic disease at fairs, etc.**—(1) Whenever it shall appear to the Commissioner of Police that any place in Delhi (being a place where on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble) is visited or likely to be visited with an outbreak of any epidemic disease, he may in consultation with the Corporation or municipality within the local limits of the jurisdiction whereof such place is situated take such special measures and may by a public notice prescribe such regulations to be observed by residents of the said place and persons present thereat or repairing thereto or returning therefrom as he deems necessary to prevent the outbreak of such disease or the spread thereof.

(2) The expenses incurred by the Commissioner of Police in respect of the arrangements for sanitation and the preservation of order at or about the place of assembly referred to in sub-section (1) may be recovered from the Corporation or the municipality concerned.

36. **Power to reserve street or other public place for public purpose and power to authorise erecting of barriers in streets.**—(1) The Commissioner of Police may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified by him.

(2) The Commissioner of Police may, whenever in his opinion such action is necessary.—

(*a*) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle ; and

(*b*) make such orders as he deems fit for regulating the use of such barriers.

37. **Power to make regulations prohibting disposal of the dead except at places set apart.** (1) The Commissioner of Police may, from time to time, make regulations prohibting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart :

Provided further that the Commissioner of Police or any officer authorised by him in this behalf may, in his discretion, on an application made to him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any regulations made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

10 of 1897. (3) All such regulations shall be deemed to be rules for the purposes of section 233 of the General Clauses Act, 1897 and shall be subject to the condition of previous publication and the date to be specified under clause (3) of that section shall not be earlier than two months from the date on which the draft of the proposed regulations is published.

CHAPTER V

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY OF STATE

38. **Employment of additional police to keep peace.**— (1) The Commissioner of Police may, on the application of any person, depute any additional number of police to keep the peace, to preserve order, to enforce any of the provisions of this Ordinance or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the police at any place in Delhi.

(2) Such additional police shall be employed at the cost (which shall be determined by the Commisaioner of Police in accordance with the rules made in this behalf) of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Commissioner of Police considers necessary.

(3) If the person upon whose application such additional police are employed shall at any time make a written requisition to the Commissioner of Police for the withdrawal of the said police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the Commissioner of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the Commissioner of Police shall, on an application made in that behalf by the aggrieved party, refer the matter to the District Collector, whose decision thereon shall be final.

39. **Employment of additional police in cases of special danger to public peace**—(1) If in the opinion of the Administrator any area in Delhi is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily additional police in the area, he may, by notification in the Official Gazette, specify the area (hereafter in this section referred to as the disturbed area) in which, and the period for which, the additional police shall be employed and thereupon the Commissioner of Police shall depute such number of additional police officers as he considers necessary, in the disturbed area :

Provided that the period so specified may be extended by the Administrator from time, to time, if in his opinion it is necessary so to do in the interests of the public.

(2) On the issue of a notification under sub-section (1), the Administrator may require the District Collector, or any other authority specified by the Administrator, to recover, whether in whole or in part, the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class of such persons, and in such proportion as the Administrator may direct.

(3) It shall be lawful for the Administrator to exempt, by order in writing, and for sufficient reasons, any person from liability to bear any portion of the cost of such additional police.

Explanation.—In this section and in section 41, the expression "inhabitants", when used in relation to any disturbed area, includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupants of land in such area notwithstanding that they do not actually reside therein.

40. **Employment of additional police at large work and when apprehension regarding behaviour of employees exists.**—(1) Whenever it appears to the Administrator or to the competent authority that.—

(*a*) any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people ; or.

(*b*) the behaviour on a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional police at such place;

the Administrator, or the competent authority, as the case may be, may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the Administrator of the competent authority to continue.

(2) Such additional police shall be employed at the cost of the person by whom the work, public amusement manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the Administrator or the competent authority, as the case may be, shall from time to time require.

41. **Compensation for injury caused by unlawful assembly how recoverable.**—(1)When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the Administrator may, by notification in the Official Gazette, specify the area (hereafter in this section called the "disturbed area") in which, and the date on which or the period during which, such unlawful assembly was, in his opinion, held.

(2) On the issue of a notification under sub-section (1), the District Collector may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of the compensation shall be deemed to be a fine imposed under this section, and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the District Collector to exempt, by order in writing and for sufficient reasons, any person from liability to pay any portion of the compensation amount.

42. **Dispute in regard to cost of deputing additional police or compensation under section 41.**—In the event of any dispute relating to the cost payable under section 39 or section 40 or the compensation determined under section 41 or the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation should be paid, the matter shall be referred by the Collector, or the Administrator or the competent authority, as the case may be, on an application made in that behalf by the aggrieved party to the Chief Metropolitan Magistrate, whose decision thereon shall be final.

43. **Recovery of amount payable under section 38, 39, 40 or 41—** Any amount payable under section 38, section 39, section 40 or section 41 shall be recovered in the same manner as if it were an arrear of land revenue.

44. (1) **Collector to award compensation.**—Amounts payable under section 38, section 39, section 40 or section 41 shall, when recovered, be credited to the Government.

(2) The District Collector shall pay, from the amounts recovered by him as compensation payable under section 41, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this section, except when a claim has been made therefor within forty-five days from the date of the notification referred to in sub-section (1) of section 41 and the District Collector is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt, or the deceased, where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death.

(4) The compensation payable to any person under sub-section (2) shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(5) No civil suit shall be maintainable in respect of any loss, damage or grievous hurt for which compensation has been granted under this section.

45. **Recovery of amounts payable under sections 39 and 41.**—Without prejudice to the provisions contained in section 43, all amounts payable under section 39 or section 41 shall be recoverable in the manner provided in sections 421 and 422 of the Code of Criminal Procedure, 1973, (**2 of 1974**), as if each such amount were a fine imposed on an offender by a court.

46. **Dispersal of gangs and bodies of persons.**—Whenever it appears to the Commissioner of Police that the movement or encampment of any gang or body of persons in any part of Delhi is causing or is calculated to cause danger to person or property or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body of persons or by members thereof, the Commissioner of Police may, by order addressed to the persons appearing to be the leaders or chief men of such gang or body of persons and published by announcement or beat of drums, or otherwise as the Commissioner of Police thinks fit direct the members of such gang or body of persons—

(*a*) to so conduct themselves as shall seem necessary in order to prevent violence and alarm,

(*b*) to disperse and to remove themselves beyond the limits of Delhi, or any part thereof, within such time as the Commissioner of Police shall specify and not to enter Delhi or the part thereof, as the case may be, from which they were directed to remove themselves.

47. **Removal of persons about to commit offences.**—Whenever it appears to the Commissioner of Police—

(*a*) that the movements or acts of any person are causing or calculated to cause alaram, danger or harm to person or property; or

(*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code (45 of 1860) or under section 290 or sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence; or

(*c*) that such person—

(*i*) is so desperate and dangerous as to render his being at large in Delhi or in any part thereof hazardous to the community; or

(*ii*) has been found habitually intimidating other persons by acts of violence or by show of force; or

(*iii*) habitually commits affray or breach of peace or riot, or habitually makes forcible collection of subscription or threatens people for illegal pecuniary gain for himself or for others; or

(*iv*) has been habitually passing indecent remarks on women and girls, or teasing them by overtures;

and that in the opinion of the Commissioner of Police witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or propety, the Commissioner of Police may, by order in writing duly served on such person, or by beat of drum or otherwise as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alaram or to remove himself outside Delhi or any part thereof, by such route and within such time as the Commissioner of Police may specify and not to enter or return to Delhi or part thereof, as the case may be, from which he was directed to remove himself.

Explanation.—A person who during a period within one year immediately preceding the commencement of an action under this section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have habitually committed that act.

48. **Removal of persons convicted of certain offenders.**—If a person has been convicted—

(*a*) of an offence under Chapter XII, Chapter XVI or Chapter XVII of the Indian Penal Code (**45 of 1860**;) or

(*b*) of an offence under section 3 or section 4 of the Delhi Public Gambling Act, 1955, (**Delhi Act 9 of 1955**.) or under section 12 of that Act in so far as it relates to satta gambling or on two or more occasions under any other provision of that Act (including section 12 of that Act in so far as it does not relate to satta gambling); or

(*c*) of any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (**104 of 1956**); or

(*d*) of any offence under section 25, section 26, section 27, section 28 or section 29 of the Arms Act, 1959 (**54 of 1959**.;) or

(*e*) of any offence under section 135 of the Customs Act, 1962 (**52 of 1962**); or

(*f*) of any offence under section 61, section 63 or section 66 of the Punjab Excise Act, 1955, (**Punjab Act No. 18 of 1955**), as in force in Delhi; or

(*g*) on two or more occasions of an offence under—

(*i*) the Opium Act, 1978; (**1 of 1878**), or

(*ii*) the Dangerous Drugs Act, 1930; (**2 of 1930**), or

(*iii*) the Drugs and Cosmetics Act, 1940; (**23 of 1940**), or

(*iv*) section 11 of the Bombay Prevention of Begging Act, 1959, (**Bombay Act No. 10 of 1960**) as in force in Delhi; or

(*h*) on three or more occasions of an offence under section 105 or section 107 of this Ordinance;

the Commissioner of Police may, if he has reason to believe that such person is likely again to engage himself in the commission of any of the offences referred to in this section, by order in writing, direct such person to remove himself beyond the limits of Delhi or any part thereof, by such route and within such time as the Commissioner of Police may specify and not to enter or return to Delhi or any part thereof, as the case may be, from which he was directed to remove himself.

49. **Period of operation of orders under section 46, 47 or 48.**—Any direction made under section 46, section 47 or section 48 not to enter Delhi or any part thereof, shall be for such period as may be specified therein, and shall in no case exceed a period of two years from the date on which it was made.

50. **Hearing to be given before order under section 46, 47 or 48 is passed.**—(1) Before an order under section 46, section 47 or

section 48 is made against any person, the Commissioner of Police shall by notice in writing inform him of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them.

(2) If such person makes an application for the examination of any witness to be produced by him, the Commissioner of Police shall grant such application and examine such witness, unless for reasons to be recorded in writing, the Commissioner of Police is of opinion that such application is made for the purpose of causing vexation or delay.

(3) Any written explanation put in by such person shall be filed with the record of the case.

(4) Such person shall be entitled to be represented in the proceeding before the Commissioner of Police by a counsel.

(5) (*a*) The Commissioner of Police may for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 46, section 47 or section 48 require such person, by order in writing, to appear before him and to furnish a security bond with or without sureties for attendance during the inquiey.

(*b*) The provisions of sections 119 to 124 (both inclusive) of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply in relation to the order under clause (*a*) to furnish security bond.

(6) Without prejudice to the foregoing provisions, the Commissioner of Police, while issuing notice to any person under sub-section (1) may issue a warrant for his arrest and the provisions of sections 70 to 89 (both inclusive) of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply in relation to such warrant.

(7) The provisions of section 445, section 446, section 447 or section 448 of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply in relation to all bonds executed under this section.

51. **Appeal against orders under section 46, 47 or 48.**—(1) Any person aggrieved by an order made under section 46, section 47 or section 48 may appeal to the Administrator within thity days from the date of the service of such order on him.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompained by that order or a certified copy thereof.

(3) On receipt of such appeal, the Administrator may, after giving a reasonable opportunity to the appellant to be heard either personally or by a counsel and after such further inquiry, if any, as he may deem necessary, confirm, vary or set aside the order appealed against:

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Administrator otherwise directs.

(4) The Administrator shall make every endeavour to dispose of an appeal under this section within a period of three months from the date of receipt of such appeal.

(5) In calculating the period of thirty days provided for an appeal under this section, the time taken for obtaining a certified copy of the order appealed againse, shall be excluded.

52. **Finality of order in certain cases.**—An order passed by the Commissioner of Police under section 46, section 47 or section 48 or the Administrator under section 51 shall not be called in question in any court except on the ground.—

(*a*) that the Commissioner of Police or the Administrator, as the case may be, had not followed the procedure laid down in sub-section (1), sub-section (2) or sub-section (4) of section 50 or in section 51, as the case may be; or

(*b*) that there was no material before the Commissioner of Police or the Administrator, as the case may be, upon which he could have based his order; or

(*c*) in the case of an order made under section 47 or an order in appeal therefrom to the Administrator under section 51, the Commissioner of Police or the Administrator, as the case may be, was not of the opinion that witnesses were unwilling to come forward to give evidence in public against the person against whom such order has been made.

Procedure on failure on person to leave the area and his entry therein after removal.

53. If a person to whom a direction has been issued under section 46, section 47 or section 48 to remove himself from Delhi or any part thereof—

(a) fails to remove himself as directed; or

(b) having so removed himself enters Delhi or any part thereof within the period specified in the order, otherwise than with the permission in writing of the Commissioner of Police under section 54, the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Delhi or any part thereof as the Commissioner of Police may in each case specify.

54. **Temporary permission to enter and consequences of non observance of conditions of such permission.**—(1) The Commissioner of Police or any other police officer specially empowered by the Administratoin that behalf may, by order in writing, permit any person, in respect of whom an order under section 46, section 47 or section 48 has been made, to return to Delhi or any part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observance of the conditions imposed.

(2) The Commissioner of Police may at any time revoke any such permission.

(3) Any person who with such permission returns to Delhi or any part thereof shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside Delhi or any part thereof, as the case may be, and shall not return thereto within the unexpired portion of the period specified in the original order made under section 46, section 47 or section 48 without a fresh permission.

(4) If such person fails to observe any of the conditions imposed, or to remove himself accordingly or having so removed himself enters or returns to Delhi or any part thereof, as the case may be, without fresh permission, the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Delhi or part thereof as the Commissioner of Police may in each case specify.

55. **Taking measurements and photograpes, etc., of persons against whom an order under section 46, 47 or 48 is made.**—Every person against whom an order has been made under section 46, section 47 or section 48 shall, if so required by the Commissioner of Police, allow his measurements and photo graph to be taken by a police officer in the prescribed manner.

56. **Resistance to the taking of measurements, etc.**—(1) If any person as aforesaid when required to all his measurements or photograph to be taken resists or refuses to allow the taking of such measurements or photograph, it shall be lawful to us all necessary means to secure the taking thereof.

(2) Resistance to or refuse to all the taking of measurements or photographs under this Ordinance shall be deemed to be an offence under section 186 of the Indian Penal Code. (45 of 1860)

(3) Where an order under stction 46, section 47 or section 48 is set aside in appeal, all measurements and photographs (including negatives) taken under this section shall be destroyed or made over to the person against whom such order is made.

57. **Banning of use of dress, etc., resembling uniform of armed forces.**—(1) If the Administrator is satisfied that the wearing in public, by any member of any body, or association or organisation, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or by a member of any police force or of any force constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, he may, by a general or special order, prohibit or restrict the wearing, or display, in public of any such dress or article of apparel by any member of such body or association or organisation.

(2) Every general or special order under sub-section (1) shall be published in the manner prescribed for the publication of a public notice under section 142.

Explanation.—For the purposes of this section a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed in any place to which the public have access.

58. **Constitutionof Defence Societies.**—(1) For the protection of persons, the security of property and the public safety in any locality the Commissioner of Police may constitute voluntary bodies (hereafter in this section referred to as Defence Societies) in the prescribed manner.

(2) The Commissioner of Police or any officer of a Defence Society may at any time call up officers subordinate to him or any member of a Defence Society for training or to discharge any of the duties under this Ordinance assigned to them,

(3) Every officer or member of a Defence Society shall—

(a) on appointment receive a certificate in such form as may be specified and approved by the Administrator in this behalf; and

(b) when called up for duty have the same powers, privileges and protection as are vested in a police officer appointed under this Ordinance.

(4) Notwithstanding anything contained in any law for the time being in force, an officer or member of a Defence Society shall not be disqualified for being chosen as, or for being, a member of—

(a) the Delhi Metropolitan Council or the Municipal Corporation of Delhi; or

(b) any other local authority,

by reason of the fact that he is a member or officer of such Society.

CHAPTER VI

EXECUTIVE DUTIES AND POWERS OF POLICE OFFICERS

59. **Duty of police officer to enforce provisions of the Ordinance.**— (1) It shall be the duty of every police officer to ensure compliance with the provisions of this Ordinance or any rule, regulation or order made thereunder and for that purpose such police officer may,—

(a) warn persons who from ignorance fail to comply with any provision of this Ordinance or any rule, regulation or order made thereunder;

(b) require any person acting or about to act contrary to any provision of this Ordinance or rule, regulation or order made thereunder, to desist from so doing;

(c) subject to the provisions of sub-section (2) and (3), arrest any person contravening any provision of this Ordinance or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Ordinance;

(d) seize any object used, or about to be used, in contravening or in contravention of, the provisions of this Ordinance or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Ordinance.

(2) A police officer shall not arrest any person clause (c) of sub-section (1) without a warrant issued by a Metropolitan Magistrate, unless such person—

(a) has contravened any regulation made under clause (b) of sub-section (1) of section 28;

(b) has contravened any order or notification made under section 29, section 30, section 32, section 47, section 48 or sub-section (1) of section 57;

(c) has committed, or is reasonably suspected to have committed, an offence punishable under section 101, section 102 or clause (c) of sub-section (3) of section 113;

(d) has committed, or is reasonably suspected to have committed, an offence punishable under section 100 in relation to any dwelling house, private premises or any other land or ground attached thereto:

Provided that the person in possession or having charge of that dwelling house, private premises or land or ground complains of the commission of such offence;

(e) commits in the presence of such police officer an offence punishable under saction 97, sub-section (1) of section 108, clause (a), (b) or (c) of section 110 or sub-section (3) of section 113 in respect of the contravention of any order made under section 33 or section 34;

(f) commits in his presence in any street or public place any non-cognizable offence punishable under this Ordinance or any rule or regulation made thereunder if such person—

(i) after being warned by the police officer persists in committing such offence; or

(ii) refuses to accompany the poliee officer to a police station on being required so to do.

(3) The Commissioner of Police or any other police officer especially empowered in this behalf by the Commissioner of Police may arrest without a warrant issued by a Metropolitan Magistrate any person who has committed an offence punishable under section 92.

60. **Other duties of a police officer.**—It shall be the duty of every police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by the competent authority and to comply with all lawful commands of his superior;

(b) to the best of his ability, to obtain intelligence concerning the commission of cognizable offences or designs to committee such offences and to lay such information and to take such other steps consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice and to prevent the commission of cognizable and, within his view, of non-cognizable offences;

(c) to prevent to the best of his ability the eommission of public nuisances;

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and far whose apprehension there is sufficient reason;

(e) to aid any other police officer when called upon by such other police officer or in the case of need in the discharge of the duty of such other police officer, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) to prevent the breach of the public peace;

(g) to afford every assistance within his power to disabled or helpless persons in the streets;

(h) to take charge of intoxicated persons and of lunatics at large, who appear dangerous or incapable of taking care of themselves;

(i) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person to have due regard to his condition;

(j) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(k) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(l) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(m) to use his best endeavours to prevent any loss or damage by fire;

(n) to use his best endeavours to avert any accident or danger to the public;

(o) to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his ability, to prevent the contravention of any rule, regulation or order made under this Ordinance or any other law in force for observance by the public in or near the streets;

(p) to keep order in the streets at and within public bathing and washing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship;

(q) to regulate resort to public bathing and washing places and all other places ofpublic resort, to prevent overcrowding there and to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such place;

(r) to discharge such other duties as are imposed upon him by any law for the time being in force.

61. **Power to enter places of public resort.**—Subject to the provisions of this Ordinance and the rules, regulations and orders made thereunder, every police officer may, for the purpose of discharging any of the duties referred to in section 59 or section 60 enter without a warrant and inspect any place of publicresort which he has reason to believe is used as a place for the storing sale or consumption of intoxicating drinks or narcotics or a place for resort of loose and disorderly characters.

62. **Power to search suspected persons in street, etc. 2 of 1974.**—When in a street or a place of public resort a person is in possession or suspected to be in possession of any article which a police officer in good faith suspects to be stolen property, such police officer may search such person and may require an account in relation to any article found in his possession and should the account given by the possessor be manifestly false or suspicious may detain such article after giving to the possessor a receipt in the prescribed form and report the facts to a Metropolitan Magistrate who shall thereupon proceed according to the provisions of sections 457, 458 and 459 of the Code of Criminal Procedure, 1973.

63. **Emergency duties of police.**—(1) The Administrator may, by notification in the Official Gazette, declare any specified service to be an essential service to the community.

(2) A declaration made under sub-section (I) shall remain in force for one month in the first instance, but may be extended from time to time by a like notification.

(3) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every police officer to obey any order given by any superior officer in relation to any employment in connection with the service specified in the declaration.

64. **Superior police officer may himself perform duties imposed on a subordinate officer.**—A police officer of a rank superior to that of a constable may perform any duty assinged by a lawful order to any officer subordinateto him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede, or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

65. **Persons bound to comply with the reasponable directions of police officer.**—(1) All persons shall be bound to comply with the reasonable directions given by a police officer in the discharge of his dutiesunder his Ordinance.

(2) Where any person resists, refuses or fails to comply with any direction referred to in sub-section (1), a police officer may, without prejudsce to any other action that he may take under any other provision of this Ordinance or any other law for the time being in force, remove such person and either produce him before a Metropolitan Magistrate or, in trivial cases, release him when the occasion which necessitated the removal has ceased to exist :

Provided that the person so removed shall in all cases be produced before the Metropolitan Magistrate or released, as the case may be, within a period of twenty-four hours of such removal.

CHAPTER VII

POWERS IN RELATION TO UNCLAIMED PROPERTY

66. **Police to take charge of unclaimed property.**—(1) It shall be the duty of every police officer to take temporary charge—

(a) of all unclaimed property found by or made over to him ; and

(b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.

(2) The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the Commissioner of Police.

67. **Procedure for disposal of property taken charge of under section 66.**—(1) Where any property has been taken charge of under sub-section (1) of section 66, the Commissioner of Police shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorises in this behalf and establish his claim within six months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of less than fity rupees, it may forthwith be sold by auction under the orders of the Commissioner of Police and the net proceeds of such sale shall be dealt within the same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation under sub-section (1) to apper before the other officer authorised by the Commissioner of Police in that behalf and establish his claim, such officer shall forward record the proceedings before him with his findings thereon to the Commissioner of Police.

68. **Delivery of property to person entitled.**—(1) The Commissioner of Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 67 order the same to be delivered to him, after deduction or payment of the expenses incurred by the Delhi police in the seizure and detention thereof.

(2) The Commissioner of Police may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

69. **In defeault of claim, property to be at disposal of the Administration.**— (1) If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section 67, may be sold by auction under the orders of the Commissioner of Police and the proceeds thereof shall be credited to the Government.

(2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the prescribed authority, the Administrator shall pay to the claimant the amount determined in that behalf by the prescribed authority.

(3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

CHAPTER VIII

SPECIAL PROVISIONS RELATING TO EXERCISE OF POWERS UNDER THE CODE OF CRIMINAL PROCEDURE, 1973

70. **Power of Central Government to authorise Commissioner of Police and certain other officers to exercise powers of District Magistrates and Executive Magistrates under the Code of Criminal Procedure 1973.**— (1) The Central Government may, by notification in the Official Gazette and subject to such conditions and limitations as may be specified therein, empower—

(a) the Commissioner of Police to exercise and perform in relation to Delhi the powers and duties of an Excutive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973, **(2 of 1974)** as may be specified in the notification ;

(b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of an Assistant Commissioner of Police) to exercise and perform in relation to such areas in Delhi as may be specified in the notification the powers and duties of an Executive Magistrate under such of the provisions of the said Code as may be specified in the notification.

(2) Every officer subordinate to the Commissioner of Police shall, in the exercise and performance of any powers and duties which he is empowered to exercise or perform under sub-section (1), be subject to the general control of the Commissioner of Police in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that section.

(3) The Commissioner of Police or any officer subordinate to him shall not be subject in the exercise and performance of any powers and duties which he is empowered to exercise and perform under sub-section (1), to the general control of the District Magistrate appointed under section 20 of the said Code.

(4) The provisions of this section shall have effect not withstanding anything contained in the said Code.

71. **Notifications under section 70 to be laid before Parliament.**— Exvry notification made by the Central Government under section 70 shall be laid, as soon as it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

72. **References to Judicial Magistrate of the First Class in sections 108, 109 and 110 of the Code of Criminal Procedure, 1973 not to be construed as references to an Executive Magistrate.**— (1) The notification of the Government of India in the Ministry of Home Affairs No. S.O. 224 (E), dated the 30th March, 1974, under section 478 of the Code of Criminal Procedure, 1973, (2 of 1974) shall cease to have effect and accordingly references to a Judicial Magistrate of the First Class in sections 108, 109 and 110 of the said Code shall cease to be construed in respect of Delhi as references to an Executive Magistrate.

(2) All proceedings, under the said sections, pending before any Executive Magistrate immediately before the cesser of operation under sub-section (1) of the notification referred to therein shall, upon such cesser of operation, stand transferred to the Metropolitan Magistrate who would have jurisdiction if such proceedings had been instituted after such cesser of operation.

(3) Subject to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply to the cesser of operation of the notification referred to in sub-section (1) as if such cesser of operation of the notification were a repeal of an enactment by a Central Act.

CHAPTER IX

SPECIAL POWERS UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

73. **Powers with regard to offences under Act 59 of 1960.**— (1) When in respect of an animal an offences under sub-section (1) of section 11 or section 12 of the Prevention of Cruelty to Animals Act, 1960 has been committed, or when there is a reasonable ground for suspecting that such offence has been committed, a police may—

(a) take the animal to the Metropolitan Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer specified by general or special order by the Administrator in this behalf :

Provided that the police officer may, instead of taking the animal to veterinary officer, take the animal for detention in a dispensary, or in any suitable place approved by the Administrator by general or special order and the animal shall thereupon be detained there until its production before a Metropolitan Magistrate, or

(c) take the animal to an infirmary appointed under section 35 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (2) of that section, or

(d) when the animal is in such physical condition that it cannot be taken to a veterinary officer or a Metropolitan Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wound, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that the police officer may take the animal for detention in a dispensary or any suitable place approved by the Administrator by general or special order and the animal shall thereupon be detained there until its productian before a Metropolitan Magistrate.

(2) Where an animal is detained in a dispensary, infirmary or other place under sub-section (1), the animal shall be produced before a Metropolitan Magistrate with the least possible delay and in any case within a period not exceeding three days from the date on which it was so detained.

74. **Powers of Metropolitan Magistrate to return animal to person from whose possession it was taken. Veterinary officer to examin the animal.**—When the animal is brought before a Metropolitan Magistrate under section 73, the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Metropolitan Magistrate binding himself to produce the animal when required or may direct that the animal shall be sent for treatment and care to an infirmary and be detained there as provided in section 35 of the Prevention of Cruelty to Animals Act 1960 or may make (**59 of 1960**) such order as he thinks fit regarding the disposal or custody or production of the animal.

75. The veterinary officer before whom an animal is brought under section 73 shall with all convenient speed examine the same and draw up a report of such examination and a copy of the report of such examination shall be delivered free of charge to the accused person if he applies for it.

76. **Animal to be dealt with under Act 59 of 1960.**—When under section 73, a police officer takes an animal for detention in a dispensary or infirmary or other place before its production before a Metropolitan Magistrate or a Metropolitan Magistrate directs its further detention in an infirmary, sub-section (3) to (7) (both inclusive) of section 35 of the Prevention of Cruelty to Animals Act, 1960 shall, as far as may be, apply in relation to the detention of the animal (including the cost of transport, maintenance and treatment of the animal) in the dispensary, infirmary or other place.

77. **Power of police officer to unsaddle the animal or to unload it.**—When a police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if any person refuses to do so, sueh police officer may himself unsaddle or unload the animal or may cause the same to the unsaddled or unloaded.

78. **Arrest without warrant in case of certain offences under Act 59 of 1960.**—Any police officer may arrest, without a warrant from a Magistrate, any person committing in his presence any offence punishable under clauses (a) to (m) (both inclusive) of sub-section (1) of section 11 of the Prevention of Cruelty to Animals Act, 1960.

79. **Provisions of Chapter to be in addition to the provisions of Act 59 of 1960.**—The provisions of this Chapter shall be in addition to, and not in derogation of, the provisions of the Prevention of Cruelty to Animals Act, 1960.

CHAPTER X

OFFENCES AND PUNISHMENTS

80. **Disregarding the rules of the road.**—No person shall—

(a) when driving a vehicle along a street (except in cases of actual necessity or of some other sufficient reason for deviation) fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of svuch ehicle ; or

(b) leave in any street or public place insufficiently tended or secured any animal or vehicle.

81. **Causing obstruction or mischief by animal.**—No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place—

(i) by misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle or

(ii) by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf.

82. **Exposing animal for hire, sale, etc.**—No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal except at such times and places as the competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or serious annoyance to residents in the vicinity or to the public.

83. **Causing any obstruction in a street.**—No person shall cause obstruction in any street or public place—

(a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose ; or

(b) by leaving any vehicle standing or fastening any cattle in the street or the public place ; or

(c) by using any part of a street or public place as a halting place for vehicles or cattle ; or

(d) by leaving any box, bale, package or other things whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation ; or

(e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

84. **Obstructing a footway.**—No person shall drive, ride, load, propel or leave on any footway any animal or vehicle other than a perambulator or fastenanimal in such a way that the animal can stand across or upon such footway.

85. **Causing obstruction to and annoyance by performances, etc.**—No person shall in contravention of any regulation made by the Commissioner of Police,—

(*a*) exhibit any mimetic, musical or other performances of such a nature as may attract crowds or

(*b*) carry or place bulky advertisements, pictures, figures or emblems in any street or public place.

whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned.

86. **Doing offensive acts on or near a street or public place.**—No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place, except at a place set apart for the purposes so as to cause annoyance to the neighbouring residents or to passers by.

87. **Letting loose horse, etc., and suffering ferocious dogs to be at large.**—No person shall in any street or public place—

(*a*) negligently let lose any horse or other animal, so as to cause danger, injury, alarm or annoyance or

(*b*) suffer a ferocious dog to be at large without a muzzle

(*c*) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

88. **Bathing or washing in places not set apart for those purposes.**—No person shall bathe or wash in, or by the side of, a public well, tank or reservoir not set apart for such purpose by order of the competent authority, or in, or by the side of, any pond, pool, aqueduct, part of a river, stream, nullah or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority:

89. **Defining water in public wells etc.**—No person shall defile or cause to be defieled the water any public well, tank, reservoir, pond, or means of water supply, ariver, stream, nullah or other source pool, aqueduct or part of so as to render the same less fit for purpose for which it is satapart by the order of the competent authority.

90. **Obstructing bathers.**—No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 88 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

91. **Behaving indecently in public.**—No person shall wilfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from, any street or public place or place of public resort, whether from within any house or building or not, of use in loud language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any office, police station or station house.

92. **Obstructing or annoying passengers in the street.**—No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements,

menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise, disturb the public peace or order.

93. **Misbehaviour with intent to provoke a breach of the peace.**—No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

94. **Prohibition against flying kites, etc. Committing nuisance in or near street, etc** – No person shall fly a kite or any other thing so as to cause danger, injury or alarm to persons, animals or property.

95. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself or

(*b*) having the care or custody of any child under seven years of age, suffer child to commit a nuisance as aforesaid or

(*c*) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passer-by.

96. **Disregard of notice in public building.**—No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, smoke, or spit in contravention of a notice, by the competent authority in charge of such place, displayed in such court, police station, police office or building.

97. **Penalties for offences under Sections 80 to 96.**—Any person who contravenes any of the provisions of sections 80 to 96 (both inclusive) shall, on conviction, be punished with fine which may extend to one hundred rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding eight days.

98. **Penalty for failure to keep in confinement cattle, etc.**—(1) Whoever allows any cattle which are his property or in his charge to stray in any street or to trespass upon any public or private property shall on conviction be punished—

(*a*) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both:

(*b*) for the second or sub equent offence with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) The Metropolitan Magistrate trying an offence under sub-section (1) may order—

(*a*) that the accused shall pay such compensation not exceeding two hundred and fifty rupees as such Magistrate considers reasonable to any person for any damage proved to have been caused to his property or the produce of his land by the cattle under the control of the accused trespassing on his land, and

(*b*) that the cattle in respect of which the offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) It shall be the duty of every police officer and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.

(5) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed

(6) The offence under this section shall be cognizable.

99. **Punishment for crueltyto animals.**—Whoever in any place beats, goads, ovreworks cruelly illtreats or tortures or causes, or procures to be cruelly beaten goadedoverworked illtreated or tortured any animal shall, on conviction be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

100. **Wilful trespass.**—Whoever without satisfactory excuse wilfully enters orremains in or upon any dwelling-house or premises or land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or used for public purposes, or on any vehicle, shall, on conviction, whether he causes any actual damageor not, be punished with imprisonment which may extend to seven days or with fine which may extend to one hundred rupees, or with both.

101. **False alarm of fire or damage to fire alarm.**—Whoever knowingly gives or causes to be given a false alarm of fire to the brigade of the Government or the Corporation or a municipality or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise, or with intent to give such false alarm, wilfully breaks the glass of or otherwise damages, a street fire alarm, shall, on conviction, be punished

with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

102. **Being found under suspicious circumstances between sunset and sunrise.**—Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on any vehicle, without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place being a reputed thief and without being able to give a satisfactory account of himself, or;

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking,

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

103. **Possession of property of which no satisfactory account can be given.**—Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Metropolitan Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

104. **Omission by pawnbrokers, etc,. to report, to police possession or tender of property suspected to be stolen.**—Whoever being a pawn-broker; dealer in second hand property, or worker in metals, or reasonably believed by the Commissioner of Police to be such a person, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal (Code 45 of 1860) or by any offence punishable under section 417, section 418 section 419 or section 420 of the said Code, is found in possession, or, after the receipt of such information comes into possession or has an offer, either by way of sale, pawn exchange, or for custody, alteration or otherwise howsoever, madeto him, of property answering the description in such contained information, shall unless—

(*i*) he forthwith gives information to the Commissioner of Police, or at a police station of such possession or offers

and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property, being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

105. **Melting, etc., of property referred to in section 104.**—Whoever having reeeived such information as is referred to in section 104 alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code (45 of 1860) or property in respect of which any offence punishable under section 417, section 418 section 419 or section 420 of the said Code has been committed be punished with imprisonment for a term which may extend to three years or with fine, or with both.

106. **Taking pledge from child** :—Whoever takes from any child, not appearing to be above the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or with out the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction. be punished, with fine which may extend to one hundred rupees.

107. **Suffering disordely conduct at places of public amusement, etc.** :—Whoever, being the keeper of any place of public amusement or public entertainment knowingly permits or suffers drunkenness or other disorderly behaviour or any gambling whatsoever, in such place, shall, on conviction, be punished with fine which may extend to one hundred rupees.

108. **Cheating at games and gambling in street**:—(1) Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game or in taking part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sports, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed to have committed the offence of cheating within the meaning of section 415 (45 of 1860) of the Indian Penal Code, and be liable to punishment accordingly.

(2) Whoever assembles with others, or joins any assembly, in a street assembled for the purpose of gambling or wagering shall, on conviction, be punished with fine which may extend to fifty rupees or may be released after a due admonition.

109. **Penalty for disobedience to order under section 27.** — Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 27 requiring him to vacate any permises, shall, on conviction be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees **or with both.**

110. **Penalty for contravening regulations etc., under section 28.**—Save as provided in section 112, whoever contravenes, or abets the contravention of, any regulation made under section 28 or any of the conditions of a licence issued under such regulation, shall on conviction, be punished —

(*a*) if the regulation was made under clause (*b*) of sub-section (1) of section 28 providing for the prohibition of the sale or exposure for sale, of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public—

(*i*) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both, and

(*ii*) for any subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees;

(*b*) if the regulation was made under clause (*d*), (*h*), (*i*) or (*j* sub-clause (*i*) or (*ii*) of clause (*s*) or clause (*v*) of sub-section (1))t section 28, with imprisonment for a term which may extend to eigh, days, or with fine which may extend to fifty rupees, or with both ; fo

(*c*) if the regulation was made under clause (*o*) or (*p*) of sub-section (1) of section 28, with fine which may extend to two hundred rupees ; and

(*d*) if the regulation was made under any clause of sub-section (1) of section 28 and for the contravention of which no penalty is provided under clause (*a*), (*b*) or (*c*) of this section, with fine which may extend to fifty rupees.

111. **Liability of licensee of place of public amusement, entertainment or acts of servants.**—The holder of a licence granted under this Ordinance in respect of a place of public amusement or public entertain ment shall de responsible, as well as the actual offender for any offence under section 110 committed by his servant or other agent acting with his express or implied permission on his behalf as if he himself had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

112. **Penalty for not obtaining licence in respect of place of public entertainment or certificate of registration in respect of eating house, or for not renewing such licence or certificate within prescribed period.**— (1) Whoever fails to obtain a licence under this Ordinance in respect of a place of public entertainment or a certificate of registration thereunder in respect of any eating house, or to renew the licence or the certificate, as the case may be, within the prescribed period shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) Aay court trying any such offence shall in addition direct that the person keeping the place of public entertainment or, the eating house, in respect of which the offence has been committed shall close such place, or eating house until he obtains a licence, or fresh licence, or a certificate or registration or fresh registration certificate, as the case may be, in respect thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction, he shall, on conviction, be punished with imprisomment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

(4) Without prejudice to any action taken under sub-section (3), on the failure of such person to comply with the direction of the court, any police officer authorised by the Commissioner of Police, by an order in writing, may take or cause to be taken such steps and use or cause to be used force as may, in the opinion of such officer be reasonably necessary for securing compliance with the court's direction.

113. **Penalties for contravention of orders, etc., under sections 29, 30, 31, 32, 33 and 34.**—(1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 29 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever opposes or fails to conform to any direction given by a police officer under section 31, shall, on conviction, be punished with fine which may extend to two hundred rupees.

(3) Whoever contravenes a notification or an order made under section 30, section 32, section 33 or section 34 or abets the contravention thereof shall, on conviction be punished—

(*a*) if the said notification or order was made under sub-section (1) of section 30 or under section 33 or section 34, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine:

Provided that the Court may, for adequate and sufficient reasons to be mentioned in the judgment, impose a sentences of imprisonment for a term of less than four months;

112. **Penalty for not obtaining licence in respect of place of public entertainment or certificate of registration in respect of eating house, or for not renewing such licence or certificate within prescribed period.**— (1) Whoever fails to obtain a licence under this Ordinance in respect of a place of public entertainment or a certificate of registration thereunder in respect of any eating house, or to renew the licence or the certificate, as the case may be, within the prescribed period shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) Aay court trying any such offence shall in addition direct that the person keeping the place of public entertainment or, the eating house, in respect of which the offence has been committed shall close such place, or eating house until he obtains a licence, or fresh licence, or a certificate or registration or fresh registration certificate, as the case may be, in respect thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction, he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

(4) Without prejudice to any action taken under sub-section (3), on the failure of such person to comply with the direction of the court, any police officer authorised by the Commissioner of Police, by an order in writing, may take or cause to be taken such steps and use or cause to be used force as may, in the opinion of such officer be reasonably necessary for securing compliance with the court's direction.

113. **Penalties for contravention of orders, etc., under sections 29, 30, 31, 32, 33 and 34.**—(1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 29 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever opposes or fails to conform to any direction given by a police officer under section 31, shall, on conviction, be punished with fine which may extend to two hundred rupees.

(3) Whoever contravenes a notification or an order made under section 30, section 32, section 33 or section 34 or abets the contravention thereof shall, on conviction be punished—

(a) if the said notification or order was made under sub-section (1) of section 30 or under section 33 or section 34, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine:

Provided that the Court may, for adequate and sufficient reasons to be mentioned in the judgment, impose a sentences of imprisonment for a term of less than four months;

(*b*) If the said order was made under sub-section (2) of section 30, with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both ;

(*c*) if the said notification was made under sub-section (3) of section 30, with fine which may extend to one hundred rupees ;

(*d*) if the said order was made under section 32, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

114. **Penalty for contravention of regulations, etc., made under sections 35, 36 and 37.**—Whoever contravenes, or abets the contravention of, any regulation, direction or order made under section 35, section 36 or section 37 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

115. **Penalty for contravening directions under section 65** — Whoever opposes or fails to conform to any direction given by any police officer under section 65 or abets the opposition or failure to conform to such direction shall, on conviction, be punished with fine which may extend to fifty rupees.

116. **Penalty for contravention of directions under section 46, 47 or 48.**—Whoever opposes or fails to conform to any direction issued under section 46, section 47 or section 48 or abets the opposition to, or the failure to conform to, any such direction shall on conviction, be punished with imprisonment which shall not be less than four months but which may extend to one year and shall also be liable to fine :

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than four months.

117. **Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily.**—Without prejudice to the power to arrest and remove a person in the circumstances, and in the manner provided in section 53, any person who.—

(*a*) in contravention of a direction issued to him under section 46, section 47 or section 48 enters or returns without permission to Delhi, or any part thereof, as the case may be, from which he was directed to remove himself ;

(*b*) enters or returns to Delhi or any part thereof with permission granted under sub-section (1) of section 54, but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period for which he was

permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter, without fresh permission.

shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine :

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

118. **Penalty for contravention of orders under section 57.**—Whoever contravenes any order made under section 57 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

119. **Dangerous performances.**—(1) No person shall without the previous permission of the Commissioner of Police and except in accordanee with any conditions subject to which such permission is granted, hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself under ground or seals himself in any room or receptacle or other thing, in such manner as to prevent all access of air to him and for such time as would ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of sub-section (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine, or with both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) the offence punishable under this section shall be cognizable.

120. **Neglect or refusal to serve as special police officer.**—Any person who having been appointed to be a special police officer under section 17 shall without sufficient cause neglect or refuse to serve as such or to obey any lawful order or directing that may be given to him for the performance of his duties as such special police officer shall, on conviction, be punished with fine which may extend to fifty rupees.

121. **Penalty for making false statement, etc., and for misconduct of police officers.**—(*a*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police officer, or

(*b*) any police officer who,—

(i) is guilty of cowardice, or

(ii) being a police officer of subordinate rank resigns his office or withdraws himself from duties thereof in contravention of section 25, or

(iii) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey, or

(iv) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Explanation.—A police officer who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave shall, for the purpose of sub-clause (ii) of clause (b), be deemed to withdraw himself from the duties of his office within the meaning of section 25.

122. **Penalty for failure to deliver up certificate of appointment or other article.**—Any police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 26 shall on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred, rupees, or with both.

123. **Vexatious entry, search, arrest, etc., by police officer.**—Any police officer who—

(*a*) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches or arrests any person; or

(*d*) offers any unnecessary personal violence to any person in his custody; or

(*e*) holds out any threat or promise not warranted by law,

shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

124. **Penalty for vexatious delay in forwarding a person arrested.**—Any police officer who vexatiously and unnecessarily delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may

extend to six months, or with fine which may extend to five hundred rupees, or with both.

125. Penalty for opposing or not complying with direction givenunder clause (b) of sub-section (1) of section 59.— Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of section 59, or abets the opposition thereto or failure to comply there-with, shall, on conviction, be punished with imprisonment for a term which shall not be less than four months but which may extend to one year and shall also be, liable to fine:

Provided that the court may for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

126. Penalty for un-authorised use of police uniforms.— If any person not being a member of the Delhi police wears without the permission of an officer authorised by the Administrator in this behalf by general or special order, the uniform of the Delhi police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two hundred rupees.

127. Power to make regulations regarding carrying weapons without authority.—(1) The Commissioner of Police may, by notification in the Official Gazette, make regulations to provide that no person other than a member of the armed forces of the Union acting as such or a police officer, shall go armed with any sword, spear, bludgeon' gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by such authority as may be specified in such regulations.

(2) Any regulation made under sub-section (1) may provide that any person who goes armed in contravention of such regulation shall be liable to be disarmed by ano police officer and the weapon or substance so seized shall be forfeited to the Government unless redeemed within two months by payment of such fine, not exceeding five hundred rupees, as the commissioner of Police imposes.

128. Prosecution for certain offences against this Ordinance to be in the descretion of Delhi police.—It shall not, except in obedience to a rule, regulation or order made by the Administrator or by the Commissioner of Police beincumbent on the Delhi police to prosecute for an offence punishable under section 97, section 104, sub-section (1) of section 113, section 114, section 115, or section 120 when such offence has not occasioned serious mischief and has been promptly desisted from on a warninig being given.

129. Summary disposal of certain cases.— (1) A court taking cognizance of an offence punishable under section 97,

or under clause (*a*), (*b*) or (*c*) of section 110 may state upon the summons to be served on the accused person that he may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum not exceeding one hundred rupees in the ase of an offence punishable under section 97 and in any other case rupees fifty as the court may specify.

(2) Where an accused person pleds aguilty and remits the sum specified in the summons under sub-section, (1) no further proceedings in respect of the offence shall be taken against him.

130. Prosecution for offences under other enactments not affected.—Subject to the provisions contained in section 300 of the Code of Criminal Procedure 1973, (2 of 1974) nothing in this Ordinance shall be construed to prevent any person from being prosecuted and punished under any other law for any thing made punishable by this Ordinance or from being prosecuted and punished under this Ordinance for anything made punishable under any other law.

131. Offences by companies.– (1) Where an offence under this Ordinance has been committed by a company, every person who at the time of the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Oridinance, if he proves that the offance was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemeisd to be guilty of that offence and shall be liable to be Proceeded against and punished aceordingly.

Explanation.—For the purposes of this section:—

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER XI

MISCELLANEOUS

132. **Disposal of fees, rewards, etc.**—All fees paid for licences or permissions granted under this Ordinance, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment for the time being in force to any local authority be credited to the Government:

Provided that with the sanction of the Administrator or under any rule made by the Administrator in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer or be divided amongst two or more police officers.

133. **Method of proving orders and notifications.**—Any order or notification published or issued by the Administrator or by the Commissioner of Police or any other police officer under any provision of this Ordinance, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by the Administrator or Commissioner of Police or other police officer, as the case may be, and by him certified to be a true copy of an original published or issued according to the provisions of this Ordinance applicable thereto.

134. **Rules, regulations or order not invalidated by defect of form or irregularity in procedure.**—No rule, regulation, order, direction, adjudication, inquiry or notification made or published and no act done under any provision of this Ordinance or any rule or regulation made under this Ordinance, or in substantial conformity with the same, shall be deemed illgeal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

135. **Presumption in prosecutions for contravention of order made under section 46.47 or 48.**—Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of an order made under section 46, section 47 or section 48 on the production of an authentic copy of the order, it shall, until the contrary is proved by the accused, be presumed.—

(a) that the order was made by the authority competent under this Ordinance to make it;

(b) that the authority making the order was satisfied that the grounds on, or the purpose for, which it was made existed, and that it was necessary to make the same; and

(c) that the order was otherwise valid and in conformity with the provisions of this Ordinance.

136. **Officers holding charges of, or succeeding to, vacancies competent to exercise powers.**— Whenever in consequence of the office of the Commissioner of Police, Additional Commissioner of Police or any other police officer becoming vacant, any officer holds charge of the post of such Commissioner of police, Additional Commissioner of Police or other police officer or succeeds, either temporarily or permanently, to that post, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by or under this Ordinance on the Commissioner of Policeor on such Additional Commissioner of Police or other police officer, as the case may be.

137 **Forfeiture of bond entered into by person under sub-section (1) of section 54.** If any person permitted to enter or return to the area fromwhich he was directed to remove himself under sub-section (1) of section 54, fails to observe any condition imposed under that sub-section or by the bond executed by him thereunder, his bond shall be forfeited and any person bound thereby shall pay the penalty thereofor show cause to the satisfaction of the court why such penalty should not be paid.

138. **No police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.** No police officer shall be liable to any penalty or to paymentof any damages on accouut of an act done in good faith in pursuance of or purported to be done in pursuance of any duty imposed or any authority conferred on him by any provision of this Ordinance or any other law for the time being in force or any rule, regulation, order or direction made or given thereunder.

139. **No public servant liable as aforesaid for giving effect in good faith to any rule, regulation, order or direction issued with apparent authority.**—No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to—

(a) any order or direction issued with apparent authority by the Administrator or by a person empowered in that behalf under this Ordinance; or

(b) any rule or regulation made under this Ordinance.

Explanation.—In this section, the expression "public servant" has the meaning assigned to it in section 21 of the Indian Penal Code. (45 of 1860)

140. **Bar to suits and prosecutions.**—( ) In any case of alleged offence by a police officer or other person, or of a wrong alleged to

have been done by such police officer or other person, by any act done under colour of duty or authority or in excess of any such duty or authority, or wherein it shall appear to the court that the offence or wrong if committed or done was of the character aforesid, the prosecution or suit not be entertained and if entertained shall be dismissed if is it instituted, more than three months after the date of the act complained of:

Provided that any such prosecution against a police officer or other person may be entertained by the court, if instituted with the previous sanction of the Administrator, within one year from the date of the offence.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall give to the alleged wrongdoer not less than one month's notice of the intended suit with sufficient description of the wrong complained of, and if no such notice has been given before the institution of the suit, it shall be dismissed.

(3) The plaint set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state whether any, and if what tender of amends has been made by the defendant and a copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

141. **Licences and written permissions to specify conditions, etc., and to be signed.**—(1) Any licence or written permission granted under the provisions of this Ordinance shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority.

(2) Any licence or written permission granted under this Ordinance may at any time be suspended or revoked by the competent authority if any of its conditions or restriction are infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence with respect to any matter to which such licence or permission relates.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the persons to whom the same was granted shall, for all purposes of this Ordinance, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be,

(4) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation.—For the purposes of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion or or, as the case may be, conviction of, the person to whom such licence or written permission has been granted.

142. **Public notices how to be given.**—Any public notice require to be given, or order required to be notified publicly under any of the provisions of this Ordinance shall be in writing, under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums or by advertising, the same in such local newspapers in Hindi, Urdu or English, as the competent authority may deemfit, or by any two or more of these means and by any other means it may think suitable.

143. **Consent, etc., of a competent authority may be proved by writing under its signature.**—Whenever under this Ordinance, the doing or the omittingto do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the competent authority a written document signed by the competent authority, purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

144. **Signature on notices, etc., may be stamped.**—Every licence, written permission, notice or other document, not being a summons or warrant or search warrant required by this Ordinance or by any rule or regulation made thereunder, to bear the signature of the Commissioner of Police, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

145. **Persons interested may seek to annul, reverse or alter any rule or order.**—(1)In the case of any rule or order made by the Administrator under an authority conferred by this Ordinance and requiring the public or a particular class of person to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent for any person interested to apply to the Administrator by a memorial to annul, reverse, or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the Administrator, it shall be competent for the person interested and deeming the rule or order to be contrary to law to institute a suit in the principal civil court of original jurisdiction against the Admini-

strator for a declaration that the rule or order is unlawful either wholly or in part.

(3) Where in any suit instituted under sub-section (2) or on appeal therefrom the court adjudges a rule or order to be unlawful, the rule or order shall be annulled or so altered as to make it conformable to law.

146. Powers of Commissioner of Police under other Acts.—(1) The Commissioner of Police shall exercise all powers and discharge all functions which may be exercised or discharged by a District Magistrate under the Acts mentioned in Schedule I including the rules made thereunder.

(2) The Commissioner of Police, may authorise any Additional Commissioner of Police, Deputy Commissioner of Police or Additional Deputy Commissioner of Police to exercise any of the powers or discharge any of the functions of the Commissioner of Police mentioned in sub-section (1) in accordance with the general or special orders of the Administrator.

(3) The powers and functions of a District Magistrate under the Sarais Act, 1867, (**22 of 1867**) shall be exercised and discharged by the Administrator or such officer as the Administrator may, by notification in the Administrator or such officer as the Administrator may by, notification in the Official Gazette, authorise in this behalf.

147. Power to make rules.—(1) The Administrator may make rules for carrying out thepurposes of this Ordinance.

(2) In particular and without prejudice to the generality of the oregoing power, such rules may provide for—

(*a*) awarding of punishment to any police officer of subordinate rank, under section 21;

(*b*) payment to any police officer or division among two or more police officers the whole or any portion of any reward, forfeiture or penalty, under the proviso to section 132;

(*c*) any other matter which has to be, or may be, prescribed or provided for by rules, under this Ordinance.

148. Notiflcation of rules and regulations in the Official Gazette and laying of rules and regulations. (1) Every rule and regulation made under this Ordinance shall be made by notification in the Official Gazette.

(2) Every rule and regulation made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive essions, and if, before the expiry of the session immediately following she session or the successive sessions aforesaid, both Houses agree

in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(3) Every rule and regulation made under this Ordinance shall also be laid before the Metropolitan Council of Delhi.

149. Repeal and saving.— (1) On the commencement of this Ordinance the enactments specified in Schedule II shall case to be in force in Delhi:

Provided that—

(*i*) all rules and standing orders made (including the Punjab Police Rules, as in force in Delhi), appointments made, powers conferred orders made or passed, directions and certificates issued, consens, permit, permission or licence given, summons of warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bonds forfeited and penalties incurred under any such enactment shall, in so far as they are consistent with this Ordinance, be deemed to have been respectively made, conferred, given, issued, served, arrested, detained discharged forfeited or incurred under this Ordinance,

(*ii*) all references in any enactment to any of the provisions of the enactments so ceasing to be in force shall, in relation to Delhi, be construed as references to the corresponding provisions of this Ordinance.

(2) The cesser of operation under sub-section (1) of an enactment specified in Schedule II shall not affect—

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done thereunder before commencement of this Ordinance;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred thereunder before such commencement;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act thereunder before such commencement;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(*e*) any legal proceeding thereunder pending in any court or before any officer immediately before such commencement or anything done or suffered to be done in the course of such proceedings, and any such proceeding or any appeal or revisional proceedings arising out of uch proceeding shall, save as otherwise expressly provided in section

150 be instituted, continued or disposed of, as the case may be, as if this Ordinance had not been promulgated.

150. Police force functioning in Delhi immediately before the commencement of this Ordinance to be deemed to be police force constituted under this Ordinance.—Without prejudice to the provisions, contained in section 149,—

(*a*) the police force functioning in Delhi immediately before the commencement of this Ordinance (hereafter in this section referred to as the existing police force) shall, on such commencement, be deemed to be police force constituted under this Ordinance and every member of the existing police force holding the office mentioned in colnmn (1) of Schedule III, immediately before such commencement, shall be deemed to be appointed, on such commencement, to the office mentioned in the corresponding entry in column (2) of that Schedule.

(*b*) all proceedings (including proceedings by way of investigations) pending before any police officer of the existing police force, immediately before the commencement of this Ordinance shall on such commencement be deemed to be proceedings pending before him in his capacity as the holder of the office to which he is deemed to be appointed under clause (*a*) and shall be dealt with accordingly;

(*c*) where any power or function which may be exercised or discharged under any law by a District Magistrate or Executive Magistrate immediately before the commencement of this Ordinance has been conferred on the Commissioner of Police or any other police officer by or under this Ordinance, all proceedings in relation to or arising from the exercise of such power or the discharge of such function pending immediately before such conferment before the District Magistrate, or the Executive Magistrate, as the case may be, shall, on the conferment of such power or function on the Commissioner of Police or other police officer, stand transferred to the commissioner of police or other police officer, as the case may be and the officer to whom such proceeding stand so transferred shall either proceed *de novo* or from the stage of such transfer.

151. Power to remove difficultles—(1) If any difficulty arises in giving effect to the provisions of this Ordinance in consequence of the transition to the said provisions from the provisions of the eanactments mentioned in Schedule II, the Central Government may, by notification in the Official Gazette make such provisions as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such notification shall be issued after the expiry of two years from the commencement of this Ordinance.

(2) Every notification issued under this section s hall, as soon os may be after it is issued, be laid before each House of Parliament.

SCHEDULE I

[*See* Section 146 (1)]

PART I

CENTRAL ACTS

1. The Press and Registration of Books Act, 1867.
2. The Indian Explosives Act, 1884.
3. The Indian Lunacy Act, 1912.
4. The Poisons Act, 1919.
5. The Police (Incitement to Disaffection) Act, 1922.
6. The Cinematograph Act, 1952.
7. The Supperession of Immoral Traffic in Women and Girls Act, 1956.
8. The Arms Act, 1959.
9. The Prevention of Cruelty to Animals Act, 1960.

PART II

DELHI ACTS AND ACTS EXTENDED TO DELHI

1. The Madras Restriction of Habitual Offenders Act, 1948, as in force in Delhi.
2. The Punjab Security of State Act, 1953, as in force in Delhi.
3. The Madras Dramatic Performances Act, 1954, as in force in Delhi.
4. The Delhi Public Gambling Act, 1955.
5. The Bombay Prevention of Begging Act, 1959, as in force in Delhi.

SCHEDULE II

(*See* Section 149)

Year	No.	Short title
1861	V	The Police Act, 1861.
1872	IV	Section 40 of the Punjab Laws Act, 1872, as in force in Delhi.
	XXII	The provisions of the Bombay Police Act, 1951, as in force in Delhi.

SCHEDULE III

(*See* Section 150)

Designation of Officer in the Delhi Police	Posts to which the officers of the Delhi Police shall be deemed to be appointed
1	2
1. Inspector General of Police	Commissioner of Police.
2. Deputy Inspector General of Police.	Additional Commissioner of Police.
3. Superintendent of Police	Deputy Commissioner of Police.
4. Additional Superintendent of Police.	Additional Deputy Commissioner of Police.
5. Assistant Inspector General of Police.	Deputy Commissioner of Police
6. Assistant Superintendent of Police.	Assistant Commissioner of Police
7. Deputy Superintendent of Police.	Assistant Commissioner of Police

N. SANJIVA REDDY,
President.

S. HARIHARA IYER,
Secy, to the Govt. of India.

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